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OFFICE OF THE DISTRICT ATTORNEY, Bronx County

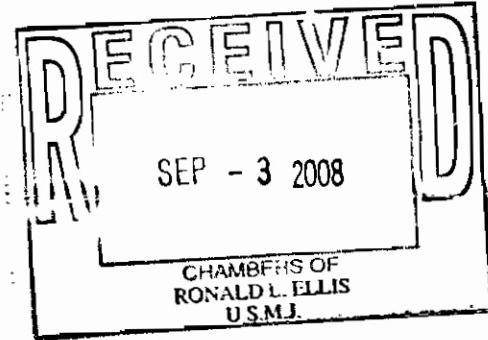
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August 28, 2008

Hon. Ronald L. Ellis
United States Magistrate Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007



Re: John Oliveri v. State of New York
07 Civ. 8262 (CM) (RLE)

Your Honor:

I was assigned to respond to the above-named state prisoner's federal petition for a writ of *habeas corpus*. Per your order, dated August 4, 2008, the response to this petition is currently due on Monday, September 15, 2008. I write to respectfully request an extension of time to respond to the petition until Tuesday, October 28, 2008.

I seek this extension because I need time to prepare a response. I received the instant order on August 5, 2008. At that time, I was in the midst of responding to a fifty-nine page, two issue brief due before the New York Court of Appeals on September 5, 2008 (*People v. Eliezer Cintron* [Bronx Co. Indictment No. 7862/87]). I completed work on that brief on August 27, 2008. I am also currently preparing the respondents brief in a direct appeal to the Appellate Division, First Department (*People v. Primitivo Guzman* [Bronx Co. Ind. No. 5391/02]). I will not be in the Office the week of September 1, 2008, due to a scheduled leave. On my return, I expect that I will need the time requested to familiarize myself with the 3500 page trial transcript and respond to petitioner's ninety-seven page, twelve point petition.

Importantly, though this Court's present order is an extension of an original order that required a response from this Office by December 21, 2007, it was at *petitioner's* behest and for his benefit that this first extension was granted. Petitioner had not exhausted half of the claims he raised in his federal petition, and twice sought a stay of the instant proceedings (with which this Office concurred), so that he could exhaust these claims in state court.

Accordingly, this request for an extension is made in good faith, based upon my approximation of the time needed to prepare an adequate response. I have neither sought, nor received the consent of my incarcerated adversary in seeking this extension.

Thank you for your consideration in this matter.

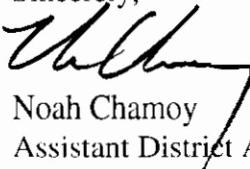
SO ORDERED

Ronald L. Ellis

9-3-08

MAGISTRATE JUDGE RONALD L. ELLIS

Sincerely,



Noah Chamoy
Assistant District Attorney

cc: John Oliveri
DIN: 03-A-1785
Eastern NY Correctional Facility
Box 338, Institution Rd
Napanoch, New York 12458-0338